S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4340/2007
(Shabir Khan and Ors. Vs. State of Rajasthan)

DATE OF ORDER : 23/10/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Sunil Mehta for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.
Mr. M.A.Siddique for the complainant.

Heard learned counsel for the petitioners and Public Prosecutor for the State as also counsel appearing for the complainant. Perused the order impugned and police investigation diary.

In compliance of the order dated 07.9.2007, the petitioners have returned the dowry articles on 28.9.2007 which is evident from the police investigation diary and as stated by learned public prosecutor. However, learned counsel for the complainant submits that certain articles have not yet been handed over by the petitioners.

The petitioner No.2 Hakiman Banoo is mother-in-law and petitioner No.3 Sikandar Khan is elder brother of husband of the complainant.

There is specific allegation against the petitioner No.1 Shabir Khan entrusting the golden chain which has not yet been handed over by him. In the circumstances, therefore, I do not find it a fit case to grant anticipatory bail to the petitioner No.1. The bail application filed by the petitioner No.1 Shabir Khan under Section 438 Cr.P.C. is therefore, dismissed.

So far as the petitioners No.2 and 3 are concerned, there being no specific allegation entrusting dowry articles to these two petitioners. In the circumstances, therefore, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I consider it just

and proper to allow the bail application filed by the petitioners No.2 and 3 under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioners No.2 and 3 u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Hakiman Banoo W/o Sultan Khan and Sikandar Khan S/o Sultan Khan in CR No. 97/2007 P.S. Moulasar, district Nagaur, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners No.2 and 3 shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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